THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.NO.187 OF 2014

ORDER:

This appeal is preferred by the appellants questioning the order of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Srikakulam (for short, Tribunal) in M.V.O.P.No.82 of 2004 dated 28-12-2007, on the ground that the compensation awarded by the Tribunal is very meager.

2. Heard.

3. A perusal of the order of the Tribunal, it is clear that it has taken the gross salary of the deceased at Rs.8,591/- and applied the multiplier '8.79' and the multiplier taken by it is not correct. After deducting Rs.80/- towards standard deductions, the salary of the deceased can be taken into consideration as Rs.8,511/- per month, which comes to Rs.1,02,132/- per year. After deducting 1/3rd towards his personal expenses, the annual income would be Rs.68,088/- per year. The multiplier for the age of the deceased is '13' as per the ratio laid down by the Hon'ble Supreme Court in **Smt.Sarala Varma v Delhi Transport Corporation**[1]. Hence, the compensation comes to Rs.8,85,144/- (Rs.68,088/- X 13). The appellants are entitled for a total amount of Rs.70,000/- under other heads. Therefore, the total compensation payable to the appellants comes to Rs.8,85,144/-.

4. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed in part. The compensation awarded by the Tribunal of Rs.2,46,920/- is enhanced to Rs.8,84,144/-. Respondent No.3 is

[1] 2009(6) SCC 121

directed to deposit the amount within two months from the date of receipt of a copy of this order. On such deposit, the appellants are permitted to withdraw the same in the proportionate shares, as fixed by the Tribunal. Rest of the order remains unchanged. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD,J

Date:26-10-2018
Shr